

to be entitled "A Joint Resolution providing for an amendment to Article 16, Section 20, of the State Constitution, prohibiting the manufacture, sale and transportation of intoxicating liquors, etc.,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

(Committee Amendment.)

Amend H. J. R. No. 1 by inserting in the caption of the bill, and also in the body of the bill, in Section 1, between the words "or any" and the word "intoxicant," the word "other." Also amend the resolution, Section 1, after the words "spirituous, vinous or malt liquors or medicated bitters," insert a comma; and also amend resolution, Section 2, after the words "and those opposing it shall erase the words 'For Prohibition,'" by adding the words, "by making a mark through the same."

BUCHANAN of Bell, Chairman.

Committee Room,

Austin, Texas, Jan. 20, 1919.

Hon. J. J. Strickland, President of the Senate.

Sir: The Committee on Civil Jurisprudence, to which was referred

S. B. No. 70, being a bill to be entitled "An Act to amend Subdivision 5 of Article 1830, Chapter IV, Title 37, Revised Civil Statutes of the State of Texas of 1911, relating to the venue of suits, by adding at the end of Subdivision 5 thereof the words 'Provided that suits to recover for labor performed or for any kind of personal service rendered, whether founded upon contract or not, at the option of the plaintiff may be brought and maintained in the county where such labor is performed or such personal service rendered,' and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do not pass.

DEAN, Chairman.

Committee Room,

Austin, Texas, Jan. 20, 1919.

Hon. J. J. Strickland, President of the Senate.

We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 60, A bill to be entitled "An Act limiting the hours for duty for regular paid firemen belonging to fire departments in cities of 15,000 inhabitants or more, and providing for the adoption of the 'double platoon system'; providing penalties for the violation of the Act, and repealing all laws and parts of laws in conflict with the Act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed.

SUITER, Chairman.

## SEVENTH DAY.

Senate Chamber,

Austin, Texas, Jan. 22, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Strickland.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Lieutenant Governor Johnson.

At this time President Pro Tem. Strickland presented Lieutenant Governor Johnson, who addressed the Senate briefly and then took the gavel and presided.

**Petitions and Memorials.**

See Appendix.

**Committee Reports.**

See Appendix.

**Bills and Resolutions.**

By Senator Dean:

S. J. R. No. 11, proposing an amendment to Section 9 of Article VIII of the Constitution of the State of Texas, by increasing the amount of ad valorem taxes that may be levied by counties, cities and towns from twenty-five cents to fifty cents on the \$100.00 valuation, and by increasing the total tax rate that may be levied for the erection of public buildings, sewers, water works and other permanent improvements from twenty-five cents on the \$100.00 valuation to fifty cents on the \$100.00 valuation, and making an appropriation therefor."

Read first time, and referred to Committee on Constitutional Amendments.

By Senators McNealus and Caldwell:

S. B. No. 95, A bill to be entitled "An Act to punish the making or use of materially false statements in writing respecting financial condition, for the purpose of obtaining money, property or credit, when such money, property or credit amount to more than fifty dollars; whether such statements are made directly or indirectly; making such offense a felony, and prescribing the punishment therefor."

Read first time, and referred to Committee on Criminal Jurisprudence.

By Senator McNealus:

S. B. No. 96, A bill to be entitled "An Act to amend Article 5490 of the Revised Statutes of 1911, relating to the leasing or renting of residences, stores, houses or other buildings, and providing for registration with County Clerks."

Read first time, and referred to Committee on Civil Jurisprudence.

By Senator Dorrough:

S. B. No. 97, A bill to be entitled "An Act relating to limited partner-

ships, joint stock companies and unincorporated joint stock associations or companies and common law corporations (so-called), providing that a certified copy of the articles of agreement and all amendments or supplements, as well as dissolutions thereof, of all limited partnerships, joint stock companies, unincorporated joint stock associations or companies, now organized or that may hereafter be organized in this State, certified to by the president and secretary with the seal of said organization affixed, if there be a president and secretary and said organization has a seal, and if not then by the general partners thereof, that the same is a true and correct copy of such articles of agreement, amendment, supplement or dissolution, as the case may be, of such partnership, joint stock company or unincorporated joint stock association or company, as entered into and executed by them, be filed in the office of the Secretary of State to be by such officer kept for the inspection of all persons interested in such organization; that the Secretary of State cause an indexed record to be kept of such filing; providing the fees to be paid by such organizations to the Secretary of State for the filing of such articles, amendments, supplements and dissolutions, and the keeping of such indexed record; providing penalties for the failure of such limited partnerships, joint stock company or joint stock association or company to so file their said articles of agreement, as well as all amendments or supplements and dissolutions, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Buchanan of Scurry:

S. B. No. 98, A bill to be entitled "An Act to amend Article 4859, Title 71, Chapter 7, relating to reports of local insurance associations, of the Revised Civil Statutes, 1911, of the State of Texas, so as to read hereafter as follows:"

Read first time, and referred to the Committee on Insurance and Banking.

By Senator Carlock:

S. B. No. 99, A bill to be entitled "An Act to amend Article 317, Title 12, of the Revised Civil Statutes of the State of Texas of 1911, empower-

ing and authorizing the clerk of the Supreme Court to issue a license to practice law in all the courts of Texas, to the holder of a diploma issued by the law department of the University of Texas and any other universities in Texas approved by the State Board of Education, and whose course of study in law covers a period of not less than three collegiate years, and declaring an emergency."

Read first time, and referred to Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 100, A bill to be entitled "An Act to amend the insurance laws of this State relating to life insurance companies organized therein, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Smith:

S. B. No. 101, A bill to be entitled "An Act to amend Sections 1 and 2, of Chapter 140, page 345, of the General Laws of the State of Texas, passed at the regular session of the Thirty-fifth Legislature, entitled 'An Act declaring it the duty of the owner entitled to the beneficial use, rental or control of or, in case of a non-resident, to the occupant or lessee of any building three or more stories in height, constructed, used or intended to be used as a hospital, seminary, college, academy, school house, rooming house, boarding house, theater or any place of public amusement, lodge, hotel or any hall used for public gatherings, or any manufacturing establishment or industrial plant, wholesale or retail store, workshop, warehouse, office building, or any building erected by any municipal, county or State authority wherein public assemblies are permitted, or sleeping apartments are provided on any floor above the second, to erect and fix every such building one or more adequate fire escapes; providing the number of fire escapes for six or more stories in height; providing the location of fire escapes; providing for the erection of stairways, character, kind and number of stairways which are to be constructed, and the location of same; defining what shall be considered a story of a building within this Act; defining adequate fire escapes; conferring certain duties relative to the administration of this Act upon the fire marshal of the State

Fire Insurance Commission; providing that guide signs and exit lights shall be placed in buildings within the terms of this Act, and making it unlawful to obstruct in any manner fire escapes or corridors thereto; declaring that the fire marshal of the State Fire Insurance Commission shall have general charge and supervision of the enforcement of the provisions of this Act; making it the duties of the inspectors of the State Fire Insurance Commission or chiefs of fire departments and fire marshals of the State to assist said fire marshal of the State Fire Insurance Commission; providing for the issuance and service of notices in cases where fire escapes should be erected on buildings; providing that the occupant or lessee of any building who is required to erect fire escapes under this Act shall be entitled to reimburse themselves for the cost and expense of erecting fire escapes out of rent or lease money of said premises; conferring certain authority upon the Attorney General to bring action by injunction for the enforcement of this Act; authorizing the court to take charge of buildings where fire escapes have not been erected by writ of sequestration; creating and defining offenses in violation of this Act, providing the punishment therefor, repealing all laws and parts of laws in conflict with this Act, and declaring an emergency,' and to add thereto Section 2a."

Read first time, and referred to Committee on Criminal Jurisprudence.

By Senator Bell:

S. B. No. 102, A bill to be entitled "An Act amending Article 3621, Chapter 31, Title 52, of the Revised Civil Statutes of the State of Texas of 1911, providing the commissions allowed executors and administrators of the estates of deceased persons shall not exceed ten per cent of the net value of the estate; provided when ten per cent of the value of the net estate is not a reasonable compensation the County Judge shall allow compensation, and declaring an emergency."

Read first time, and referred to Committee on Civil Jurisprudence.

By Senator Dean:

S. B. No. 103, A bill to be entitled "An Act for the purpose of promoting the public school interest of rural

schools and those of small towns, of aiding the people and providing adequate school facilities for the education of their children by the appropriation of two million dollars each year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1920, and August 31, 1921, respectively, by allowing the State Board of Education to aid such schools, and providing how such schools shall be located and school buildings constructed, furnished and maintained, and providing certain prerequisites for the granting of such aid, and providing that no school having over five hundred scholastics, exclusive of transfers, shall receive such aid; and providing that such schools receiving such aid shall have a certain percentage of attendance, with exceptions; and providing that certain of said schools so receiving aid shall add a local school tax of not less than fifty cents on the one hundred dollar valuation, and giving the State Board of Education power to establish rules and regulations for the organization of such country schools and otherwise carrying out the purposes and intentions of this Act; and defining the powers of the State Board of Education in that connection, and providing for assistants to the State Superintendent to be known as 'rural school supervisors'; and providing for reports to be made to the State Board of Education; and providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Education.

By Senator Dean:

S. B. No. 104, A bill to be entitled "An Act to amend Article 6967 of the Revised Civil Statutes of Texas of 1911, defining and designating the persons to whom may be granted pensions as Confederate soldiers and sailors or their widows, so as to provide that women, now widows, who were wives of Confederate soldiers and sailors and after the death of said soldiers and sailors remarried, may be eligible to the grant of a pension, and declaring an emergency."

Read first time, and referred to Committee on Civil Jurisprudence.

By Senator Hall:

S. B. No. 105, A bill to be entitled "An Act to amend Article 2997, Revised Civil Statutes of the State of Texas, 1911, providing that any citizen possessing the other qualifications of an elector under the Constitution and laws of this State, who was engaged or enlisted in the military or naval forces of the United States during the period of time between the first day of October, A. D. 1918, and the first day of February, A. D. 1919, shall have the right to vote in all primary elections and nominating conventions in Texas from and after the passage of this Act until the first day of January, 1920, and providing that the payment of a poll tax shall in no case be required of such person as a qualification to vote in such primary elections or to participate in such nominating conventions during such period of time between the passage of this Act and the first day of January, 1920, and declaring an emergency."

Read first time, and referred to Committee on Military Affairs.

By Senator Dean:

S. J. R. No. 12, A resolution proposing an amendment to Section 4 of Article XI of the Constitution of the State of Texas, by increasing the total tax rate that may be levied by cities and towns having a population of five thousand or less from one-fourth of one per cent to not exceeding one and one-half per cent, and making an appropriation therefor.

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Hertzberg:

S. J. R. No. 13, A resolution proposing to amend Section 5 of Article IV of the Constitution of the State of Texas, as follows: Strike out the words "four thousand" in the third line of Section 5 and insert in lieu thereof the words "ten thousand," and adding after the word furniture the words "and this clause shall be self-enacting," and making an appropriation to pay the necessary expenses hereof.

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Floyd:

S. B. No. 106, A bill to be entitled

"An Act to make it unlawful for any person, firm or corporation to give dancing exhibitions or performances in a tent or other enclosure when such dancing exhibition or performance constitutes all or a major portion of any exhibition or performance; and to make it unlawful for male persons and female persons to dance as partners in a tent or other temporary enclosure; providing penalties for the violation thereof and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Page:

S. B. No. 107, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 5, Chapter 7, of the General Laws of Texas as passed by the Thirty-third Legislature at its regular session and approved February 11, 1913, as the same appears on page 8 of the General Laws of the Thirty-third Legislature at its regular session, the same being commonly called the 'Suspended Sentence Law,' and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Johnston:

S. B. No. 108, A bill to be entitled "An Act to amend Title 49 of the Revised Civil Statutes of 1911, by inserting a new article, to be known as Article 2912a of Chapter 1; by revising Articles 2913 and 2914 of said chapter; by revising Articles 2925 and 2926 of Chapter 11, and by revising Articles 3086, 3088, 3089, 3121 and 3122 of Chapter X, relating to election, so as to expedite the counting and returning of the votes, by requiring the observance of standard time, by limiting the size of election precincts, by fixing the time for the opening and closing of the polls at earlier hours, by providing how unused return blanks shall be disposed of, by providing that the returns of primary elections shall be made in triplicate, by providing that primary elections shall be held on Tuesday, and by providing how officers of elections shall be compensated."

Read first time and referred to Committee on Civil Jurisprudence.

#### Simple Resolution No. 29.

(Courtesy Resolution.)

Whereas, the Honorable John M.

Henderson and the Honorable E. A. Decherd, Jr., former members of this body and both former Presidents Pro Tem of the Senate are now in the Capitol,

Therefore, be it resolved by the Senate of the Thirty-sixth Legislature that former Senators Henderson and Decherd be extended the privileges of the floor while in the city of Austin, and that they each be invited to address this body.

Dean, Dorrough, McNealus, Buchanan of Bell, Westbrook, Gibson, Clark, Williford, Smith.

The resolution was read and adopted, and the Chair appointed Senators Dorrough, Suiter and Dean as a committee to escort the gentlemen to the President's stand.

#### Simple Resolution No. 30.

Whereas, The Hon. J. R. Astin, of Brazos County, a pioneer distinguished member of this body is present in the galleries of the Senate; therefore, be it

Resolved, That he be tendered the privilege of the floor of the Senate and that he be invited to address the Senate on the subject of matrimony.

PAGE.

WILLIFORD.

The resolution was read and adopted.

#### Resolutions Signed.

The Chair, Lieutenant Governor Johnson gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following:

S. C. R. No. 8, relating to employment of discharged soldiers in agricultural sections.

S. C. R. No. 2, rededicating Camp Mabry, etc.

H. C. R. No. 5, memorializing Congress to submit a National Suffrage amendment.

#### House Joint Resolution No. 1.

The Chair laid before the Senate on third reading:

H. J. R. No. 1, being a resolution to be entitled "A Joint Resolution providing for an amendment to Arti-

cle 16, Section 20, of the State Constitution, prohibiting the manufacture, sale and transportation of intoxicating liquors, etc."

Senator Woods offered the following amendment:

Amend House Joint Resolution No. 1 by striking out the wording of Section 20a, as shown in the resolution and substitute therefor the following:

"The manufacture, sale, barter exchange or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the State of Texas for beverage purposes, are hereby prohibited."

WOODS.

The amendment was read and lost by the following vote:

Yeas—3.

Clark.	Woods.
McNealus.	

Nays—28.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woodward.

The resolution was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—30.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Suiter.
Faust.	Westbrook.

Williford.  
Witt.

Woods.  
Woodward.

Nays—1.

Clark.

Senator Dean moved to reconsider the vote by which the resolution was adopted and table the motion to reconsider.

The motion to table prevailed.

Reason for voting.

At a conference held in Dallas last year and which opened the campaign for Governor Hobby, I stated publicly that I would vote to submit to a vote of the people of Texas the question of Statewide prohibition, and in voting "yea" I am complying with that promise. However, I am of the opinion that, now National prohibition is an accomplished fact, this resolution is unnecessary and involves useless expense to the State.

JOHNSTON.

Mr. President: I vote "nay" on Concurrent Resolution No. 1, submitting the prohibition amendment.

First: I promised my constituents if they elected me to the Senate when I could not vote the sentiment of the majority of my constituents I would resign from the Senate. The last election to submit prohibition, my district voted 9600 anti-prohibition votes and 1700 prohibition votes; therefore, to keep my pledge to my constituents, I voted "nay."

Second: It is estimated that it will cost the tax payers of Texas at least \$350,000.00 to submit the amendment, therefore I consider it a useless expenditure of money to submit a proposition that the Federal Government has passed and it has been ratified by more than three-fourths of all the States of these United States, thereby causing prohibition in the whole Union before this amendment can be voted on.

CLARK

Message from the Governor.

Governor's Office.

Austin Texas, January 22, 1919.  
To the Thirty-sixth Legislature of Texas.

You assemble here in a new era.

You have problems to deal with that concern a new age. When the Legislative body last met our country was at war and all that we possessed from our personal belongings to the government under which we live was staked upon the outcome. Since then a glorious victory has been won by the gallant armies of our Nation and our Allies. In a contest between autocracy and democracy it was proven to the world that ours is the true and lasting form of Government. The principle upon which our Nation and our State is founded was sustained, and even given new life, and both you and I are fortunate to serve at a time when it is more fitting than ever to fashion our acts by that course which will bring about the greatest good to the greatest number.

Within a year Texas has been transformed. Those happenings which involve the world contributed to this result but a free and frank expression of the people's will through their agencies of government was mainly responsible. A willingness on the part of duly constituted authority to obey and not usurp is the reason why Texas has been made a cleaner State. Such obedience is nothing more than a practical expression of allegiance to our form of government and such obedience made Texas a virile, solid and powerful unit in the winning of the war. Such obedience may now be useful with equal force to unify all who would build upon a foundation of service and sacrifice in order that Texas may reap the benefits of a period of construction as effectively as Texas shared in the burdens of a period of destruction.

The fact that the men and women of Texas have touched elbows with their Government with assurance of that service which is designed to smooth the path of progress and lighten the millstones of life is the reason why the people have a new faith in delegated action by their representatives. When the thoughts and aspirations of the governed are crystallized into concrete deeds democracy is made real.

Since the liberty loving peoples everywhere quickly combined their strength to combat a brutal enemy

and dethrone the forces of cruelty and oppression it is appropriate now to turn the spirit which won the war into an instrumentality which will help Texas to become the home of a happier, more enlightened and more prosperous civilization. The crisis which has drawn upon our resources, our courage and our endurance will serve a more useful purpose still if the struggle which bound states and nations together in an effort to do the most towards winning the war is followed now by a rivalry on the part of the same units of government to do the most for the common good. It would be proper for Texas to take the lead in such a contest.

Closer contact and swift means of communication have brought the people of our State, of the Nation and of all the world to a better understanding. The united purpose is more readily ascertained. There would be less excuse than ever for failing properly to interpret the needs and wants of those we serve. When the star of freedom and equality is in the ascendant and the cause which brought us into the war is triumphant, there is enlarged opportunity for our Nation and our State at home and abroad. So to put into effect those things which are based upon the people's will is not only in keeping with our fundamental doctrine, but at this particular time it vitalizes the cause which made us fight.

Therefore to be guided in our legislative courses and the public policy of Texas by what the people have sanctioned and given expression to and draw from the breath of a democratized world the vigor which enables the State to go forward with more rapid strides is the duty which devolves upon you and me alike.

In submitting amendments to the Constitution already recommended, providing for Statewide prohibition and extending the ballot to women on equal terms with men, your body will comply with the highest request the people have made.

First and foremost of the correlated subjects that manifestly the people gave endorsement to in the recent nominations and elections of State officers, in the platform of the Democratic party adopted at the

State Convention and emphasized more than ever because of the new life given to Democracy all over the world, is that of education. And such a result is indeed encouraging because education is the people's best friend. It is the only bulwark of free government. It is the only foundation upon which a League of Nations can build a structure of peace tall enough to remind coming generations that despotism is dead. Education that begins down at the bottom and goes all the way to the top, and education of the first class throughout the system, should in my judgment claim your first thought and receive the amplest provision. While it is not necessary to urge going beyond the bounds of what the wealth and resources of Texas are abundantly able to provide, yet even in that event I would say if Texas should have to go broke, let it be for the sake of education.

Fortunately by imposing a fair and equitable tax upon the newly discovered wealth in Texas and upon properties that now escape taxation the revenues of the State will make it possible without increasing the ad valorem or school taxes to provide for an advanced and more efficient system of common school education. I submit recommendations which in my judgment will bring the standard of Texas schools to the level of those States whose systems rank among the best. I submit recommendations which in my judgment will afford ample revenue to meet the necessary expenditures.

I recommend that a half million dollars for each fiscal year ending August 31, 1920 and August 31, 1921, be appropriated out of the general funds of the State to supplement the available school fund to be used by school districts under such regulations as your body may prescribe to increase the salaries of school teachers in Texas. The low scale of wages paid the school teachers of Texas is a hindrance to the greater development of our educational system and the appropriation I have suggested will be a substantial step in the direction of making it possible for those who devote their lives to this useful work to earn a just remuneration. I urge that you

make the appropriation available to supplement salaries according to rules and regulations provided by the State Superintendent of Public Instruction and approved by the State Board of Education.

The estimated revenues for school purposes were for the current year, less, and the school population of the State was more than last year. In order to maintain the school apportionment of \$7.50 per child made for the preceding year, it was estimated that a million dollars more than the school revenues provided for this year would be necessary. Rather than reduce the apportionment, I caused the board of education to maintain it at \$7.50. I therefore recommend that your body appropriate a million dollars, or so much thereof as may be necessary out of the general funds of the State, to maintain the apportionment during the current year so there may be no backward step in the public school administration of Texas.

I recommend that a million dollars, or so much thereof as may be necessary out of the general revenues of the State, be appropriated in aid and support of rural schools of less than 300 enrollment in similar manner to the appropriation made for a like purpose by the Thirty-fifth Legislature.

I recommend that a million dollars, or so much thereof as may be necessary, out of the general funds of the State, be appropriated so that every school district in Texas of reasonable size and area where the local limit tax of 50 cents on the hundred dollars is imposed, may find it possible to have a school term of such length, up to nine months, as the trustees of the local school district desire to have. In this manner the State will supply the deficiency out of the general funds to supplement the local funds and maintain the school for such term.

Each of these appropriations on the part of the Legislature is authorized in the amendment to the Constitution adopted November 7, 1918, setting forth that when the limit of school taxation is insufficient to support the public schools of the State for a term of not less than six months, the deficit may be met by ap-



appropriations from the general funds of the State.

I recommend that legislation be adopted to aid and encourage so far as local road conditions and transportation facilities will allow, the consolidation of small and weak school districts into larger districts capable of erecting better buildings and of maintaining better schools. Provision should also be made for removing the important office of county school superintendent from the realm of politics by having the county superintendent chosen by the county school board, as the city superintendent is elected by the city school board.

I recommend the submission of a constitutional amendment more clearly defining the status and making provision in the organic law for the University of Texas, the Agricultural and Mechanical College, the College of Industrial Arts and the State normal schools. This amendment should set out the way for permanent development and the manner of support and maintenance of these institutions. In my judgment the opportunity for permanent development of the University of Texas and the Agricultural and Mechanical College is best presented by embracing in this amendment constitutional authority for an issue of bonds by the State not to exceed \$10,000,000 at the lowest practical rate of interest, the proceeds to be used for the benefit of these institutions, and to constitute a permanent endowment, the principal of which shall always be kept intact and invested in such securities as are now lawful for the investment of the public school fund, while the revenue derived from such investment may become available for the buildings and for the development of these institutions. In consideration of such endowment it is recommended that the more than 2,000,000 acres of public land now reserved for the University be taken over by the State and put upon the market at such time and under such conditions as the Legislature may determine. If these lands are not actually equal in value to the amount of the authorized bond issue, the State of course will be the purchaser of its own property and any excess paid will merely become an endow-

ment which the State must at last make if Texas is to have a University and Agricultural and Mechanical College of the first class as contemplated by the fathers, and in keeping with the present day aspirations. If these lands are sold for a greater total sum than the authorized bond issue, then it will be easy in future years to apply it to the benefit of the University and Agricultural and Mechanical College. Whatever may be the outcome, with respect to the value of the lands in relation to the authorized bond issue, the lands today retard development of the counties in which they are located and they yield a revenue too small to permit the development of those institutions they are intended to serve. The State University is being asked now in a sense of fairness to pay the counties in which these lands are located, the local taxes they would bring if in the hands of another owner, and if this should be done it would further reduce the net revenues now derived from the lands. It is suggested that the taxes received by the State from these lands if sold would pay the interest on such an issue of State bonds as might be authorized, while the principal and interest derived from the sale of the lands would retire the bonds. Some of these lands are agricultural but the bulk of them are grazing lands. At this time there is not only a renewed reason for placing agricultural lands on the market, but the grazing lands, too, so there may be opportunity for the purchase of same on easy terms by returning soldiers who may wish to embark in the business of farming or of raising live stock. The terms of the proposed amendment should make it mandatory upon the Legislature to provide by appropriation, special tax or otherwise, for the development, support and maintenance of the University of Texas, the Agricultural and Mechanical College, the College of Industrial Arts and the normal schools.

I recommend that an amendment to the Constitution designed to accomplish the purposes I have mentioned, be submitted to the people so that tribunal may definitely determine that which is now unsettled

as well as the future of these State institutions of learning.

Home ownership is the cornerstone of civilization. Agriculture is the basis of our State's livelihood, and that which percolates through all the channels of trade and brings prosperity out of the ground. Not only the crops which grow, but the oil which lately has added millions to the wealth of Texas, is a product of the soil. That which will promote the agricultural development and more extensive use of the vast landed area of Texas will prove the biggest contribution to the happiness and stability of our citizenship. Tenantry is a curse to Texas. It was a source of discord in the days of the feudal system and has been a blight in all nations and all states where practiced. Tenantry has increased rapidly in Texas in the last decade and the most alarming phase of it now is that under such a system landlords are allowing un-Americans to take the place of Americans who cultivate the soil, finding the former class more content with smaller shares and cheaper rents. To make it possible for the man who cultivates the soil to find a way to buy it and to afford an opportunity in Texas for land renters to become land owners is a paramount duty at our hands. Such a plan was endorsed by the people in my candidacy and this endorsement was given expression to by the Democracy of Texas in the State platform.

I recommend the submission by you of a constitutional amendment to be voted upon this year so the State may lend or give its credit for the purpose of assisting persons who are the heads of families and identified with the citizenship of this State to acquire homes under such limitations as the Legislature may impose especially to the end of causing settlement and cultivation of rather than speculation in lands.

With such constitutional authority, the State, under regulations prescribed by the Legislature will upon its own initiative, or by cooperation with the Federal Land Bank or by cooperation with the Federal government in providing settlement lands for soldiers find it possible to adopt such a system as has been adopted by California and other States to ex-

tend credit for agricultural purposes and to acquire land for cultivation and occupancy. It will be a forward step towards putting an end to land monopoly and bringing about its ownership in small instead of large tracts.

Such a measure would possess an added degree of usefulness to our citizenship at this particular time when our victorious boys in khaki are returning to us, ready to beat their swords into plowshares. It would extend to these young men, many of whom come from the farms and ranches of Texas, where the fountain of service flows from a spring of patriotism, the same principle of encouragement which the pioneers of Texas adopted with respect to actual settlement upon the public lands on long time terms and at a low rate of interest. Such an amendment will afford the opportunity to perform a real service for the farmers of Texas, give new impetus to agricultural development, remove the burden of rent paying, and make homes for the homeless and farms for the farmless a reality.

I wish to direct your attention to the necessity of making provision for the permanent relief of the Judicial department of the State government. The evils growing out of our judicial system as at present constituted are numerous and very grave. Among the more important of these evils are the following:

1. The conflicting opinions of our two courts of last resort, the Supreme Court and the Court of Criminal Appeals. These two courts are supposed to be concerned with entirely different matters, the one having jurisdiction over civil matters and the other over criminal matters. But experience has shown that it is easily possible for the constitutionality of a statute to be brought before the Supreme Court in a civil action and the constitutionality of the same statute to come before the Court of Criminal Appeals in a criminal action. If the two courts could always agree in their construction of the statute, this conflict of jurisdiction would be a matter of small concern. But unfortunately the courts sometimes disagree, and we are placed in the very embarrassing situation of having a statute that is wholly valid in the eyes of one court and at the same time

wholly void in the eyes of another court whose decisions are equally binding on the citizen and the inferior courts and officers of the law.

Instances of conflict in decisions will readily come to mind. Such a condition arose when the Supreme Court upheld the original commission charter for the city of Galveston, while the Court of Criminal Appeals, in a criminal case coming up from Galveston, held the charter void and of no effect. A more recent case was that of the local option pool hall law, which was held to be void by the Supreme Court and valid by the Court of Criminal Appeals until a change in the personnel of the latter court brought a change in its opinion on this question.

It is not my purpose here to criticize any person connected with the courts or departments mentioned. My only object is to point out the absurd situation to which our present double-headed system has brought us, and to show the imperative necessity of creating a single court of last resort, whose decisions cannot be questioned.

Another very grave evil in our present judicial system is the long delays in reaching a final decision in cases coming before the courts. In some cases these delays are so long that the original litigants and the lawyers are all dead before the matter is finally adjudicated. Such delays are, to a large extent, a substantial denial of justice, and at the same time they entail a very heavy expense on the litigant and the general public.

The overcrowded condition of the Supreme Court docket is due to the fact that it is impossible for three men to handle the vast volume of business now coming before that court. As a result we find that the court, in spite of the earnest and diligent efforts of its members, is now from three to five years behind with its work. To remedy this situation the Thirty-fifth Legislature adopted two measures calculated to bring temporary relief to the court. One of these measures provided a commission composed of three judges selected from the Court of Civil Appeals, whose business it should be to pass on application for writs of error. The other provided a Commission of Appeals of six judges, sitting in two sections, to work under the direction of the Supreme Court and to pass upon such

cases as that Court might refer to them. The first of these commissions has been in operation some eighteen months and has been of great assistance in helping the Supreme Court catch up with its "application docket." The two sections of the Commission of Appeals were organized and began to work in October, 1918. The latter plan of relief is giving evidence even this early of the fact that it will be of great help to the Supreme Court in catching up with its "trial docket." It should be remembered, however, that these two measures are only temporary in their nature and leave untouched the problem of establishing an adequate judicial system.

It is not my purpose at this time to go into the details of a judiciary article for our State Constitution. I will content myself with mentioning a few points that seem to be pretty generally agreed upon by the students of the subject.

1. We should have one Supreme Court, and not two, as is now the case. This court should be large enough to transact the business coming before it, and should have power to divide itself into sections or divisions for the purpose of handling the different kinds of business, as civil, criminal and the like; questions involving the constitutionality of statutes, however, to be passed upon by the whole court sitting en banc.

2. The terms of the courts should be abolished, the courts remaining in session as long as there is work to be done, provision being made, however, for vacation for the individual judges without bringing the machinery of justice to a standstill.

3. Provision should be made for the speedy trial of all cases, for simplified procedure and for the lowest possible cost to be assessed against litigants in order to determine their rights.

I feel that those experienced in the practice and knowledge of the law are better prepared to pass judgment and therefore I do not care to urge the adoption of any particular plan. However, I call to your attention by request the proposal of the Texas State Bar Association, approved by that organization at its meeting at Wichita Falls last July. I do not recommend this plan for adoption because your body in its wisdom may find a better one. However, any plan

submitted by a body of able lawyers is enlightening and deserves attention and will no doubt be helpful to you in framing an amendment. I ask the Legislature to call into exercise its best judgment and most careful thought and submit in the form of a constitutional amendment the best measure calculated in its wisdom to bring about an improved judicial system in this State.

The measures I have referred to call for amendments to the State Constitution and in order that the purposes they are intended to accomplish may not be delayed, I recommend that these amendments be submitted so that they may be voted upon during the current year.

It is realized that the demand for a new Constitution is growing in Texas, because of the frequent necessity for amendment and because of the sections which have been rendered obsolete by changing conditions and the flight of years since its adoption.

I urge submission of these important amendments to the Constitution independent of and without relation to your action upon the advisability of calling a constitutional convention. These measures are pressing ones, and are too urgently demanded by public necessity to permit of such delay as the adoption of a new Constitution would involve. If you should determine in favor of calling a constitutional convention it is reasonable to presume that those provisions written into the Constitution by the people so late as the present year would be accepted by the delegates to the convention without change. If you should determine against calling a convention or even if a new Constitution should be submitted and fail of ratification the status existing at the time would remain.

I adopt the conclusion, therefore, that either in the event of calling or not calling a constitutional convention the important measures I have urged for your consideration, if they be decided in the interest of the public welfare by the people, will become fixed in the organic law of the State; provided these measures be favorably considered separate and apart from the question of a constitutional convention.

In my judgment your body would make wise provision for the future by calling a constitutional convention

and providing for the election of delegates thereto at the proper time. It should, however, be deferred until the next calendar year. To write a new Constitution and submit it in the present year for ratification would deprive our soldiers in France who do not return and qualify as electors by February 1, of the opportunity to take part in the making of a Constitution. A determination of this issue next year would give to those men who endangered their lives for their country that voice in shaping the organic law of the State to which a just consideration entitles them. To authorize the call for the election of delegates not earlier than April 1, 1920, and assembling the convention thirty days later would give our soldiers opportunity to participate and would permit, too, of a better understanding of after peace conditions than would be the case in event of the election of delegates in 1919. It should be taken into consideration, too that ample provision may be made for a constitutional convention at a called session of the Thirty-sixth Legislature later in the year which according to indications now public necessity will demand.

I recommend the enactment of a law to prevent the control of primary and general elections by the use of money. Such a measure will not only curb the forces of corrupt government who engage in the business of buying public office but at the same time it will protect the forces of clean and honest government against the expenditure of large sums of money to defeat corruption. A plain, direct and unambiguous law should be enacted, defining the manner in which money may be spent for campaign purposes, limiting the amount which may be spent, prescribing penalties for violation, to the end of assuring all candidates an equal chance and to guarantee pure and unpolluted elections. I further recommend such amendments to the election laws as will provide penalties for failure to make returns and will simplify the primary election system.

I recommend the enactment of a law which will bring about better housing conditions among tenants and renters in Texas. Living places provided for tenants in the country and renters in the city are frequently a reproach to society, incubators of bad health and bad

morals and barriers to the higher development of soul and body. I favor the establishment of a system of inspection to improve these conditions applying with respect to houses in which people live, regulations to protect the health of occupants and involving the principle employed by cities in the establishment of building codes to protect against fire and flimsy construction. The houses of tenants on farms should be made livable and sanitary in all instances. Such legislation will promote the welfare and well-being of thousands of men, women and children in Texas.

A quickened respect for law and order and a public conscience that revolts against barbarous deeds demand the enactment of a measure which will put an end to mob violence and the assumption by those who are irresponsible, of the prerogatives of the courts and juries of this State through the practice of lynching. To make the present laws upon this subject more severe, and to fix the venue for trial and for returning a bill of indictment in any county adjoining the county where such a crime is committed, would in my judgment be a step towards the suppression of this practice.

I recommend the re-enactment of the Act passed by the Thirty-fifth Legislature to provide relief for the drouth-stricken area. Splendid rains in the area affected have made it possible for the people in these counties to regain the losses which circumstances over which they had no control imposed upon them. There is need, however, for the relief until the next harvest. The two million dollars heretofore appropriated was made available to the end of the last fiscal year. I recommend that the unused portions of the fund be made available until the end of the current fiscal year.

Many efforts have been made in recent years to enact a libel law, or such amendments to the present law as will give ample protection to the citizen and at the same time enable responsible publications to know what is embraced in the law of privileged matter. I urge your honorable body to clearly define by statute the meaning of the law with respect to privileged matter and to amend the libel statutes in the interest of a clearer understanding between the publisher and the public alike.

I wish to direct your attention to and urge favorable action by you on laws that will help to bring about these results; improve the condition and surroundings of those who labor, both men and women, and strengthen, amend and perfect present laws intended for that purpose; prevent the employment of child labor; hasten, aid and provide for the construction of good roads in Texas; improve the health, sanitary and hygiene codes of Texas in the interest of all classes and all ages of our citizenship; provide a more adequate and more profitable depository law with respect to the State funds; put into effect and encourage conservation and reclamation of swamp and overflow lands in Texas.

At this particular time the subject of our tax system deserves vital and vigorous consideration on your part. I would consider the appointment of a special committee by your honorable body, charged with the duty of inquiring into and recommending enactments that will bring about equal and more uniform taxation, and as far as may be done by statute remove inequalities that exist in assessed values in the various counties.

The Tax Assessors' Association of Texas has urged the necessity of action and has asked the privilege of tendering through me the services of that organization to you to aid in bringing about adjustments.

The creation of a State Board of Equalization would in my judgment be a step in the right direction, serving at least to recommend measures and point out inequalities, even though such a board might be unable without greater constitutional authority to bring about a more uniform method of assessment.

I recommend, too, the enactment of such laws and such amendments to the laws as will provide a fair and just tax upon oil and oil products, upon all minerals, upon gas, electric lights, water works and express companies, upon the manufacturers of soft drinks, upon packing houses, interurban lines, and all corporations, and companies and interests which upon investigation it may be found are not paying in the same proportion to other property owners, and especially those enjoying special franchise privileges and drawing upon the natural wealth and resources of Texas. A gross receipts tax not to

exceed 2 per cent on the production of oil would be in keeping with the tax levied by other States and not as high as that levied by some of the States. Such a tax would have yielded the State about a million dollars on the oil production of last year and the production is rapidly increasing in various portions of the State. A proper tax upon the properties I have enumerated above will more than enlarge the revenues of the State sufficiently to meet the appropriations recommended.

I wish to direct your attention and urge favorable action upon all demands and recommendations incorporated in the State platform adopted in convention in the city of Waco, to be accepted by you and me alike as the voice of the organized democracy of Texas which confided in our hands the trust we now hold.

Respectfully submitted,  
W. P. HOBBY,  
Governor of Texas.

#### Simple Resolution No. 25.

Senator Johnston called up, and the Chair laid before the Senate:

S. R. No. 25, Relating to the return of railroads to their owners by the Federal Government. (See page 85 of the Journal of January 20, 1919, for the resolution in full.)

The resolution was read, and Senator Alderdice offered the following amendment:

Strike out of said resolution that portion reading as follows:

"and be it further

"Resolved, That in all events we favor the return of railroads to their owners not later, but sooner if possible, than twenty-one months after the date of proclamation of peace by the President of the United States, as provided for in the Act giving the Federal Government control of said railroads."

Pending.

#### Recess.

At 12:05 o'clock p. m. the Senate, on motion of Senator Clark, recessed until 2:20 o'clock today.

#### After Recess.

(Afternoon Session.)

Lieutenant Governor Johnson in the chair.

#### Simple Resolution No. 25.

(Pending.)

Action recurred upon S. R. No. 25, pending business from the morning session, the question being upon the amendment of Senator Alderdice, and the same was adopted.

Senator Johnston offered the following amendment, which was read and adopted:

Amend by striking out the word "Federal" in paragraph 7 and insert the word "Government" control.

Action recurred upon the resolution as amended, and the same was adopted by the following vote:

Yeas—26.

Alderdi	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Williford.
Dudley.	Woods.
Faust.	Woodward.

Nays—4.

Floyd.	Westbrook.
Suiter.	Witt.

Absent.

Caldwell.

Reason for Vote.

I vote "no" on the resolution, not that I want to be on record as favoring government ownership of railroads, but that I believe that Congress is in a better position to pass on this great question at this time than is the Senate of Texas.

FLOYD.

I vote "no" on Simple Resolution No. 25 for the reason that we do not have sufficient information to know what the effect of complying with this resolution by the Federal Government would have on the many propositions connected with the management of railroads, such as the labor question, the question of prices for various products, the re-employment of soldiers as they return from the front, and the final payment of what the Government has guaran-

teed, together with many other perplexing problems connected with and growing out of the management of railroads. I am not saying that I am in favor of government control.

SUITER.

#### Executive Session Postponed.

At 2:30 o'clock p. m., the hour heretofore set for the Senate to go into executive session, having arrived, Senator Johnston moved that the executive session be postponed until 3 o'clock today.

The motion prevailed.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Jan. 22, 1919.

Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 3, A Joint Resolution proposing an amendment to Section 2 of Article VI of the Constitution of the State of Texas, so that every person, male or female, who shall have attained the age of twenty-one years and who shall be a citizen of the United States, native-born or naturalized under the Federal naturalization laws, and who shall have resided in this State one year next preceding an election and the last six months within the district or county within which he or she offers to vote, shall be deemed a qualified elector; and providing that all electors shall vote in the election precinct of their residence, and that electors residing in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and providing further that any voter who is subject to pay a poll tax under the laws of the State of Texas shall have paid said tax before offering to vote, and shall hold a receipt showing such poll tax paid before the first day of February next preceding an election; or, if said voter shall have lost or misplaced said poll tax receipt, he or she shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax receipt has been lost; requiring such affidavit to be in writing and left with

the judge of the election; providing that this provision of the Constitution shall be self-enacting; fixing the time for the holding of the election for said proposed amendment, providing for the publication thereof, and making an appropriation therefor,

By a vote of 122 ayes and no nays.

H. B. No. 19, A bill to be entitled "An Act to grant to every person, firm, corporation, limited partnership, joint stock association or association of any kind whatsoever owning, operating or managing any pipe line or any part of any pipe line within the State of Texas for the transportation of crude petroleum that is declared to be a common carrier be and is subject to the provisions of Chapter 30 of the General Laws passed by the Thirty-fifth Legislature, approved February 20, 1917, the right and power of eminent domain in the exercise of which he, it or they may enter upon and condemn the lands, rights of way, easements and property of any person or corporation necessary for the construction, maintenance or operation of his, its or their common carrier pipe lines, the manner and method of such condemnation and the assessment and payment of the damages therefor to be the same as is provided by law in the case of railroads; and to grant such other rights as are conferred by Article 1306 of Chapter 24, Title 25, of the Revised Civil Statutes of Texas of 1911, upon corporations organized under said Chapter 24, and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 19, referred to the Committee on Commerce and Manufactures.

H. J. R. No. 3, referred to the Committee on Constitutional Amendments.

#### Senate Joint Resolution No. 1.

The Chair laid before the Senate on third reading:

S. J. R. No. 1, proposed amend-

ment to the Constitution, abolishing the office of County Treasurer, a resolution to be entitled "A Joint Resolution proposing and submitting to the people of Texas an amendment to Section 44, Article XVI, of the Constitution of the State of Texas, so as to abolish the office of County Treasurer."

Senator Hopkins offered the following amendment:

Amend Senate Joint Resolution No. 1 by striking out in Section 2 the date, "third Saturday in August, 1919, same being the 16th day of said month," and inserting in lieu thereof the following: "fourth Saturday in May, same being the 24th day thereof, A. D. 1919."

HOPKINS.

The amendment was adopted by the following vote:

Yeas—21.

Alderdice.	Johnston.
Bailey.	McNealus.
Bell.	Page.
Buchanan of Scurry.	Smith.
Cousins.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.
Gibson.	Woods.
Hertzberg.	Woodward.
Hopkins.	

Nays—9.

Buchanan of Bell.	Floyd.
Caldwell.	Hall.
Carlock.	Parr.
Clark.	Williford.
Dayton.	

Present—Not Voting.

Dean.

The resolution was laid before the Senate, read third time and, on motion of Senator Hopkins, was passed by the following vote:

Yeas—27.

Alderdice.	Dudley.
Bailey.	Faust.
Bell.	Floyd.
Caldwell.	Gibson.
Carlock.	Hertzberg.
Clark.	Hopkins.
Cousins.	Johnston.
Dayton.	McNealus.
Dean.	Page.
Dorough.	Smith.

Strickland.  
Suiter.  
Westbrook.  
Williford.

Witt.  
Woods.  
Woodward.

Nays—3.

Buchanan of Bell. Parr.  
Hall.

Absent.

Buchanan of Scurry.

#### Executive Session.

The Chair announced that the hour, 3 o'clock p. m., the hour to which the executive session had been postponed, had arrived, and directed the Sergeant-at-Arms to clear the chamber of all persons not entitled to remain.

It was accordingly done and the Senate proceeded to executive session.

The Secretary reported to the Journal Clerk that the following recess appointments by the Governor had been confirmed in executive session, to-wit:

To be judge of the Twelfth District, Ben H. Powell of Walker County, vice E. A. Berry, resigned; appointed January 1, 1919.

To be member of State Board of Normal Regents, J. A. Elkins of Houston, vice Joe S. Kendall of Dallas resigned; appointed December 24, 1918.

To be member of Board of Managers, State Epileptic Colony, C. T. Beckham of Trent, Texas, vice H. B. Cook, resigned; appointed September 13, 1918.

To be member of Board of Public Accountancy, T. E. Allday of Wichita Falls, Texas, vice E. F. Hunter of San Antonio, resigned; appointed April 29, 1918.

To be member of State Board of Health, Dr. Guy Reed of Beaumont, Texas, vice L. M. Weinfield of San Antonio, resigned; appointed November 13, 1918.

To be member of Board of Water Engineers, John A. Norris of Wharton, Texas, vice R. J. Windrow of Waco, resigned; appointed May 4, 1918.

To be member of Industrial Accident Board, J. H. Proctor of Houston, Texas, vice J. H. Fricke of Galveston, Texas, appointed August 12, 1918; J. H. Fowler of San Antonio,



appointed to succeed himself, August 12, 1918.

To be Branch Pilots, Sabine Pass, River and Tributaries: Joseph Corthell of Port Arthur, Texas, appointed August 1, 1918; Thomas H. Shepherd of Port Arthur, Texas, appointed August 1, 1918.

To be Public Weigher for Galveston, Worthy Boyd of Galveston.

To be Public Weigher for Texas City, J. V. Kerner of Texas City, appointed December 13, 1918.

To be Public Weighers for Houston: R. C. Blalock of Houston, Texas, appointed August 12, 1918; John D. Woolford, Jr., of Houston, Texas, vice John D. Woolford, Sr., of Houston, deceased; appointed November 13, 1918.

To be member of State Highway Commission, C. S. Fowler of San Antonio, Texas, vice J. G. Fowler, resigned; appointed November 19, 1918.

To be Branch Pilot for Port Aransas, J. E. Cotter of Port Aransas, Texas, appointed October 28, 1918.

To be member of Board of Managers, State Deaf and Dumb Institute, Dr. H. B. Granberry of Austin, Texas, vice William Bohn, deceased; appointed November 19, 1918.

To be member of Board of Managers of Confederate Home, Captain W. R. Davie of Austin, Texas, vice W. C. Walsh, resigned; appointed October 29, 1918.

To be members of Section A. Commission of Appeals: Leon Sonfield of Beaumont, Texas, appointed August 12, 1918; Beeman Strong of Nacogdoches, Texas, appointed August 12, 1918; W. M. Taylor of Dallas, Texas, appointed August 12, 1918.

To be members of Section B. Commission of Appeals: J. T. Montgomery of Wichita Falls, Texas, appointed August 12, 1918; S. P. Sadler of Gatesville, Texas, appointed August 12, 1918; J. W. McClendon of Austin, Texas, appointed August 12, 1918.

To be Judge of the Fourth District Court, Charles L. Brachfield of Henderson, Texas, vice Daniel Walker of Henderson, resigned; appointed December 17, 1918.

To be Judge of the 47th District Court, Henry S. Bishop of Amarillo, Texas, vice Hugh Umphres of Claude, resigned; appointed October 10, 1918.

To be Judge of the 59th District Court, F. E. Wilcox of McKinney, Texas, vice M. H. Garnett of Mc-

Kinney, deceased; appointed August 24th, 1918.

To be Judge of the 85th District Court, W. C. Davis of Bryan, Texas, vice H. S. Morehead of Franklin, resigned; appointed November 25th, 1918.

To be Judge of the 16th District Court, C. R. Pearman of Gainesville, Texas, vice John Speer, resigned; appointed January 1st, 1918.

To be District Attorney of the 31st District, E. J. Pickens of Canadian, Texas, vice J. A. Holmes of Miami, resigned; appointed December 28th, 1918.

To be District Attorney for the 83rd District, R. D. Blaydes of Fort Stockton, Texas, vice W. C. Jackson of Fort Stockton, resigned; appointed November 16th, 1918.

To be Public Weigher for Texas City, George W. Lanman of Texas City, Texas appointed November 15, 1918.

To be member of State Council of Defense, J. A. Thompson of Corsicana, vice Louis Adoue of Galveston, deceased; appointed October 31, 1918.

To be Criminal District Attorney of Harris County, J. A. Elkins of Houston, vice John H. Crooker, resigned, appointed August 7, 1918; E. T. Branch of Houston, vice J. A. Elkins, resigned, appointed November 6, 1918.

To be members of Board of Park Commissioners of Washington Park: Mrs. R. E. Pennington of Brenham, Texas; F. W. Schurenberg of Brenham, Texas, and Walker Moore of Navasota, Texas; appointed November 27, 1918.

To be Associate Justice of the Third Supreme Judicial District, Hon. John W. Brady of Travis County, Texas, vice Hon. B. H. Rice, deceased; appointed November 19, 1918.

To be Associate Justice of the Ninth Supreme Judicial District, Hon. R. A. Greer of Jefferson County, vice Hon. S. M. King of Jefferson County, resigned; appointed December 1, 1918.

To be member of Board of Managers of Confederate Home, William Sprain of Brenham, vice C. N. Witcher of Lampasas; appointed November 7, 1918.

To be member of State Fire Insurance Commission, R. L. Pollard of Uvalde County, vice A. R. An-

draws, resigned; appointed October 1, 1918.

### In the Senate.

Lieutenant Governor in the chair.

### Nominations Referred.

Senator McNealus moved that all biennial appointments now before the Senate, and those that may be sent up before the next executive session, be referred to the Committee on Nominations by the Governor.

The motion prevailed.

### Executive Session—Time Set.

Senator Witt moved that the Senate go into executive session at 3 o'clock p. m. Thursday, January 23rd for the consideration of nominations by the Governor.

The motion prevailed.

### Senate Joint Resolution No. 2.

The Chair laid before the Senate on third reading:

S. J. R. No. 2, being a resolution to be entitled "A Joint Resolution proposing and submitting to a vote of the people of Texas an amendment to Section 9, Article VIII, of the Constitution of the State of Texas, authorizing the levy of a special tax of not exceeding seventy-five cents on the one hundred dollars valuation for the improvement and maintenance of public roads."

Senator Hopkins offered the following amendment, which was read and unanimously adopted:

Amend S. J. R. No. 2 by striking out in Section 2 the date, "third Saturday in August, 1919, same being the 16th day of said month," and inserting in lieu thereof the following, "fourth Saturday in May, same being the 24th day thereof, A. D. 1919."

HOPKINS.

The resolution was laid before the Senate, read third time and, on motion of Senator Hopkins, was passed by the following vote:

Yeas—24.

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.

Nays—5.

Bailey.	Hall.
Buchanan of Bell.	Suiter.
Dayton.	

Absent.

Clark.	Woodward.
--------	-----------

### Senate Concurrent Resolution No. 9.

Whereas, The Honorable Clarence Ousley, a distinguished citizen of Texas, and at the present time Assistant Secretary of Agriculture of the United States, is now visiting Texas; and

Whereas, Mr. Ousley is known to be well versed in the new problems now facing the people of this country; therefore, be it

Resolved, by the Senate, the House concurring, That Mr. Ousley be invited to address the members of both Houses and the public, at such time as will suit his convenience, at the earliest possible date.

Clark, Page, Hertzberg, Woodward, Dudley, Caldwell, Bell, Johnston, Dean, Carlock, Alderdice, Faust, Suiter, Dorough, Floyd, Strickland, Cousins, Smith, Hall, Bailey, Buchanan of Bell, Hopkins, Buchanan of Scurry.

The resolution was read and adopted.

### Special Committee Appointed.

The President Pro Tem. of the Senate announced the appointment of the following committee to negotiate for the making of a block picture of the Senate and report back to the Senate their recommendation:

McNealus, Dorough, Alderdice, Dean, Hopkins.

By unanimous consent and on request of Senator McNealus, Senator Carlock was named as a member of the above committee in lieu of the Senator from Dallas.

#### Addresses by Former Senators.

Hon. J. M. Henderson, of Daingerfield and Hon. E. A. Decherd of Robertson County were each, pursuant to resolutions adopted by the Senate today, escorted to the President's stand and addressed the Senate briefly.

#### House Concurrent Resolution No. 6.

The Chair laid before the Senate:

H. C. R. No. 6, "A resolution authorizing the Superintendent of Public Buildings and Grounds to permit Oscar Raines to erect, maintain and operate a lunch counter and cigar stand in the lobby of the New Land Office building."

The resolution was read and on motion of Senator Dayton the same was adopted.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, January 22, 1919

Lieutenant-Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 56, A bill to be entitled "An Act to be entitled 'An Act authorizing certain foreign corporations which more than ten years prior to the passage hereof have been convicted of violation of the provisions of Title 130 of the Revised Statutes of Texas of 1911 and whose right to do business in the State was forfeited thereunder, and the fine against which was not in excess of \$3000, and who have not violated any of the provisions of the judgment of forfeiture, and who have paid said fine, to revive their permits to do business in Texas, and declaring an emergency.'"

Respectfully submitted,

T. B. Reese,

Chief Clerk, House of Representatives.

#### Bill Read and Referred.

The Chair, (Lieutenant-Governor Johnson) had referred, after its caption had been read, the following bill:

H. B. No. 56, referred to the Committee on Commerce and Manufactures.

#### Senate Joint Resolution No. 7.

The Chair laid before the Senate on third reading:

S. J. R. No. 7, A joint resolution to be entitled "A Joint Resolution proposing to amend Section 2, Article VI, of the Constitution of the State of Texas, so that it shall be hereafter, in substance, provided that every person, male or female, subject to no constitutional disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States, and who shall reside in this State one year next preceding an election and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; etc."

The resolution was laid before the Senate, read third time and, on motion of Senator Buchanan of Bell, passed by the following vote:

Yeas—30.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorcugh.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Woodward.

#### Simple Resolution No. 31.

Be it resolved, That one thousand (1,000) copies of Governor Hobby's initial message, and also his message

of this day, to the Thirty-sixth Legislature be printed for distribution and paid for out of the contingent expense fund of the Senate.

DEAN.

The resolution was read and adopted.

**House Joint Resolution No. 1.—Returned from House.**

Senator Dean moved that the Secretary be instructed to request the return to the Senate for correction House Joint Resolution No. 1.

The motion prevailed.

**Senate Bill No. 5.**

The Chair laid before the Senate on second reading:

S. B. No. 5, A bill to be entitled "An Act to amend Title 49, Chapter 9, of the Revised Civil Statutes of this State, and Articles 3082 and 3083 thereof, and by adding Article 3083a, prescribing the eligibility of State, county, precinct and municipal officers of this State, and prohibiting the issuance of certificates of election to anyone ineligible to hold office in this State, and prohibiting the issuance of certificates of party nominations of ineligible candidates, and prohibiting the placing of the name of any ineligible candidate upon the ballot for any general or special election; providing for writs of injunction and all other necessary process at the suit of any interested party to enforce the provisions of this Act, and conferring jurisdiction upon all the district courts of the State in cases filed hereunder, and providing that such cases shall have first right of precedence upon trial and appeal, and declaring an emergency."

The bill was read second time and on motion of Senator Buchanan of Bell, was passed to engrossment.

**Senate Bill No. 15.**

The Chair laid before the Senate:

S. B. No. 15, A bill to be entitled "An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas, relating to private corporations, by adding thereto

Section 77, providing for the creation of private corporations for the establishment and maintenance of garages, with authority to purchase, sell, store, house, rent, repair and otherwise deal in automobiles and other motor vehicles and their accessories, gasoline and oils necessary in the operation of motor vehicles, with the right to operate motor vehicles of all kinds (except airplanes) for the carriage of passengers and freight, either or both, and to make reasonable charges therefor."

Senator Suiter offered the following amendment:

Amend Senate Bill No. 15 by striking out all after the comma in line 25, page 1 of the printed bill, and correcting the caption to correspond.

Senator Carlock moved that further consideration of the bill be deferred until after the conclusion of the morning call next Friday morning.

The motion prevailed.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, January 22, 1919.

Lieutenant-Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 9, inviting the Hon. Clarence Ousley to address the Legislature and public; and returns for correction H. J. R. No. 1, providing for an amendment to Article 16, Section 20 of the State Constitution, prohibiting the manufacture, sale and transportation of intoxicating liquor.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

**Senate Bill No. 36.**

Senator Hopkins asked for unanimous consent to take up for consideration at this time Senate Bill No. 36.

There was objection.

Senator Hopkins moved to suspend the regular order of business and take up out of its order Senate Bill No. 36.

The motion was lost by the following vote:

## Yeas—12.

Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Floyd.	Williford.

## Nays—14.

Alderdice.	Dudley.
Bailey.	Faust.
Bell.	Gibson.
Caldwell.	Hertzberg.
Carlock.	Johnston.
Clark.	McNealus.
Dayton.	Parr.

## Absent.

Hall.	Woods.
Page.	Woodward.
Witt.	

**House Joint Resolution No. 1—Vote Rescinded.**

Senator Dean, by unanimous consent moved to rescind the vote by which the motion to reconsider the vote on final passage of H. J. R. No. 1, was tabled and spread that motion on the Journal.

The motion prevailed.

**Adjournment.**

At 4:47 o'clock p. m. the Senate, on motion of Senator Bailey, adjourned until 10 o'clock tomorrow.

**APPENDIX.****Petitions and Memorials.**

Senator Buchanan of Bell presented a communication from R. T. Wilson, Secretary Bell County Medical Society, opposing the passage of House Bill No. 58, the Optometry bill.

Senator McNealus offered a letter from R. L. Stennis, member of Adams & Stennis, attorneys of Dallas, protesting against the omission from the prohibition amendment of the exception permitting the use of alcohol for industrial purposes.

Senator McNealus also offered a telegram from Joe E. Lawther, favoring move to create Woman's Division in Department of Labor.

Senator Cousins offered telegrams from the Jefferson County and Orange County Medical Societies, protesting passage of H. B. No. 58—Optometry bill.

Senator Bell presented telegram from Medical Society of Childress, Collingsworth, Donley, and Hall Counties, protesting the passage of the Optometry bill.

Senator Dayton offered a similar telegram from the Cooke County Medical Society.

**Engrossing Committee Report.**

Committee Room,  
Austin, Texas, Jan. 22, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 7 compared, and find same correctly engrossed.

FAUST, Chairman.

**Committee Reports.**

Committee Room  
Austin, Texas, Jan. 22, 1919.  
Hon. J. J. Strickland, President Pro Tem, of the Senate.

Dear Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 24, A bill to be entitled "An Act providing that the interest of a mortgagee or trustee under any fire insurance policy shall not be invalidated by any act or neglect of the mortgagor or owner of the property insured by said policy or the happening of any condition beyond his control, and declaring void any stipulation in any fire insurance contract in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,  
Austin, Texas, Jan. 21, 1919.  
Hon. J. J. Strickland, President Pro Tem, of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 44, A bill to be entitled "An Act to amend Sections 1 and 2 of an Act approved April 4, 1917.,

Chapter No. 192, Senate Bill No. 167, entitled 'An Act to provide whole family fraternal benefit societies,' and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1919.

Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 26, A bill to be entitled "An Act providing that suicide of the insured shall be no defense to any suit brought upon policies of insurance upon the life of the insured, issued by any life insurance company, fraternal or other organization, corporation, association of persons, firm or partnership, unless it shall be shown to the satisfaction of the court or jury trying the same that the insured contemplated suicide at the time he made his application for a policy, and providing that any stipulation to the contrary in the policy or contract or by-laws of any such life insurance company, fraternal or other organization, corporation, association of persons, firm or partnership, shall be void,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1919.

Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to require prevention and the relation of fire prevention to the conservation of life and property and to the cost of fire insurance taught in the public schools of this State, and also in all other schools conducted in the State in which instruction is given corresponding in grade and advancement to that given in the public schools; providing that the teaching of fire prevention shall include the practice of fire drills, and prescribing the duties of the State Superintendent of Public Instruction

and the Texas State Text Book Commission in the administration of said Act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1919.

Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 25, A bill to be entitled "An Act forfeiting the interest of any beneficiary under a life insurance policy or contract when the beneficiary is the principal or accomplice in willfully bringing about the cause of death of the insured,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1919.

Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to amend Article 862 of the Code of Criminal Procedure of the State of Texas, by providing that in cases of two or more convictions of the same defendant, the court may provide in rendering judgment or sentence that the punishments provided shall be either concurrent or cumulative,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1919.

Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 8, A bill to be entitled "An Act to amend Article 735 of the Code of Criminal Procedure, relating to the charge of the court in criminal cases,"

Have had the same under consider-

ation, and beg leave to report same back to the Senate with the recommendation that it do not pass.

SUITER, Chairman.

Committee Room,  
Austin, Texas, Jan. 21, 1919.

Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 7, A bill to be entitled "An Act to amend Article 790 of the Code of Criminal Procedure, relating to defendants testifying in criminal cases,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

Committee Room,  
Austin, Texas, January 22, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Military Affairs, to whom was referred Concurrent Resolution No. 9, being a resolution requesting the Secretary of War to order the Thirty-sixth Division of the Army to Galveston for dis-embarkation, have had the same under consideration and beg leave to report back to the Senate with the recommendation that it do pass with the following amendments:

Amend by adding the words "and Ninetieth Division" after the words "Thirty-sixth Division" in each of lines 1, 4, and 25, on page 1.

Amend by striking out the word "is" in lines 4 and 5, on page 1, and substituting therefor in each line the word "are."

Amend by striking out the word "its" in line 26, page 1, and substituting therefor the word "their."

WITT, Chairman.

Committee Room,  
Austin, Texas, Jan. 22, 1919.

Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: Your Committee on Education, to whom was referred S. B. No. 48, have had the same under consideration and I am directed to report it back to the Senate with the recommendation that it do pass, and be not printed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, Jan. 20, 1919.  
Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred S. C. R. No. 6, being a resolution commending the action of the Honorable William G. McAdoo as Director General of Railroads in directing the Honorable B. F. Bush as Regional Director to comply with the general laws of the State of Texas and the mandate of the Supreme Court of the United States with reference to the operation of the general offices and shops of the International and Great Northern Railroad, located at Palestine, Texas, and requesting the Honorable W. B. Hines, successor to the Honorable William G. McAdoo, and the Honorable B. F. Bush as Regional Director to comply at once with the law and with the decrees of said court concerning the operation of said offices and shops of the International and Great Northern Railroad Company.

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

HERTZBERG, Chairman

### Enrolling Committee Report.

Committee Room,  
Austin Texas, January 22, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills, to whom was referred Senate Concurrent Resolution No. 2:

Whereas, The Texas National Guard, a part of the American Expeditionary Force in France, is composed of units of the National Guard of the States of Texas and Oklahoma; and

Whereas, Of these units, which struck the decisive blow in France, that preserved for mankind a world as a fit place to live in, many are from Texas; and

Whereas, Many of the officers and men from Texas, some of whom made the supreme sacrifice on the field of battle, received their first military training and instruction at Camp Mabry, "The Home of the National Guard of Texas"; and

Whereas, In future years these

veterans of the National Guard will annually assemble in brotherly reunion and as leaders, trainers and instructors in the National Guard of Texas at Camp Mabry; therefore, be it

Resolved, That Camp Mabry be re-dedicated and re-consecrated to the brave heroes of the Texas National Guard in commemoration of their services, sacrifices, bravery and patriotism of those who died on Flanders' Fields, and over whom the lilies of France will ever be a perpetual monument, and the flag of "Old Glory" will ever be their emblem, and Camp Mabry their alma mater, recalling their devotion to duty, their service to their country, their liberation of France and our allies in foreign fields, another Faniel Hall, the cradle of liberty of the world.

Have had the same carefully compared, and find the same correctly enrolled.

SMITH, Chairman.

Committee Room,  
Austin, Texas, Jan. 21, 1919.  
Hon. J. J. Strickland, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills, to whom was referred Senate Concurrent Resolution No. 8:

Whereas, The time for planting a crop is now near at hand, and it is of the utmost importance to all the people of this State, and especially to those of the drouth stricken portions of the same, that bountiful crops be planted, matured and harvested this year and as large a supply as possible be produced of cattle, hogs, poultry and other food products; and

Whereas, Owing to the present war conditions a scarcity of labor exists on the farms and ranches in every portion of this State; and

Whereas, Owing to the recent armistice between the allies and Germany and other Central Powers, the army and navy of the United States of America is now being demobilized; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That in the demobilization of the army and navy preference should be given to such soldiers, seamen and others as prior to the war were engaged in and intend and desire to return to their former occupations of

farming and stock raising, to the end that all such may return to their homes at once and in time to plant, cultivate and mature during the present year full crops and produce supplies of meats and foodstuffs and that the agricultural and cattle raising resources of this State may be developed to their fullest extent;

Resolved further, That copies of this resolution be forwarded to our Senators and Representatives in Congress with the request that this matter be taken up with the War Department, Navy Department and the Adjutant General, and that such action be taken by the Congress of the United States as may be necessary to the end that all such men may be discharged and returned to their homes at the very earliest possible date consistent with the welfare and safety of the Nation.

Have had same carefully compared, and find the same correctly enrolled.

SMITH, Chairman.

#### EIGHTH DAY.

Senate Chamber,  
Austin, Texas, Jan. 23, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.